

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ORDINANCE NO. 538 BEING THE
“COMPREHENSIVE ZONING ORDINANCE OF BAY ST. LOUIS, MISSISSIPPI”, SO
AS TO PROVIDE FOR VACATION RENTALS/SHORT-TERM RENTALS OF
DWELLINGS IN RESIDENTIAL/COMMERCIAL/WATERFRONT DISTRICTS
AFTER APPLICATION AND APPROVAL**

WHEREAS, the City of Bay St. Louis, Mississippi, did on or about September 10, 2010, adopt the Comprehensive Zoning Ordinance of Bay St. Louis, Mississippi, which has from time to time been amended; and

WHEREAS, several times new uses or interpretations have been brought to the attention of the City and reviewed by the Bay St. Louis Planning & Zoning Commission; and

WHEREAS, the use of Vacation Rental units as a use in residential, commercial and waterfront districts are considered a valuable and needed use for those desiring to engage their dwelling or condominiums to rent to guests visiting Bay St. Louis in exchange for compensation and further provides for another type of short-term stay opportunity similar to hotels, motels and bed and breakfast facilities and will aid and encourage tourism; and

WHEREAS, said Planning & Zoning Commission and the Bay St. Louis City Council having held numerous work sessions and having published due notice thereof, on the 26th day of May, 2015; and on the 30th day of June 2015, conducted a public hearing on such proposed changes; and

WHEREAS, after due consideration, the Mayor and the City Council now find and determine that it would be in the best interest of the City of Bay St. Louis that the Zoning Ordinance be amended to add a provision for short-term rentals of dwellings in residential, commercial and waterfront districts after application, approval and permit.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING AUTHORITY
of the City of Bay St. Louis, Mississippi, that Ordinance 538 is hereby amended to add, delete
and amend as follows:

Section 1. VACATION RENTAL

Section 1. TITLE: This ordinance shall be known as the Bay St. Louis Zoning
Ordinance Amendment to add Vacation Rental Units.

Section 2. Definitions: The following words and phrases shall have the following
meanings and definitions:

2.1 Definitions:

Article III, Section 302, “DEFINITIONS OF TERMS OF THIS ORDINANCE” is
hereby amended to add the following definitions:

302.33(A) **CONTACT PERSON:** A local person specifically named on the application
and permit who resides within a 15 mile radius of the vacation rental who is responsible for the
day to day operation of the Vacation Rental Unit, and who may be contacted, day or night, if
there is a problem with the Unit. The local contact person may be the owner, property manager,
and/or an agent of the owner.

302.118(A) **PROPERTY MANAGER:** A person specifically named on the application
and the permit who is responsible for overseeing the Vacation Rental Unit and designated by the
owner of the unit(s) as the manager, and who may be contacted, day or night, if there is any
issue, problem, malfunction and/or dispute with the Unit, its guest and/or its use. The local
property manager may be the owner and/or an agent of the owner.

302.143(A) **SHORT TERM RENTAL(S)**: See VACATION RENTAL(S).

302.197(A) **VACATION RENTAL(S)**: Vacation Rental: “Vacation rental” means any dwelling or condominium or portion thereof that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation for a period of less than ninety (90) days. “Vacation rentals” means any establishment engaged in the business of furnishing or providing rooms intended or designed for dwelling, lodging or sleeping purposes to transient guests and which are known in the trade as such. The term “vacation rental” does not include any hospital, convalescent or nursing home or sanitarium, or any facility associated with a hospital providing rooms for medical patients and their families.

Section 3: Ordinance #: 538 is Amended to Create Section 1014; Section 1014, of Ordinance 538 is hereby created and named: “Vacation Rental(s), Registration, Permit and Rules”:

Section 1014. Section 1014 of the Bay St. Louis Zoning Ordinance is hereby created, known as and described as follows:

“Article X, Supplemental Regulations, Section 1014: **“Vacation Rental(s), Registration, Permit and Rules”**.”

Section 4: Section 1014: “Vacation Rental(s), Registration, Permit and Rules” is as follows:

Section 1014 **“Vacation Rental(s), Registration, Permit and Rules”**

1014.1 **Vacation Rental(s) Application, Permit Required:**

All Vacation Rentals Units are required to obtain a Vacation Rental Permit (VRP) from the Bay St. Louis Zoning and Building Office prior to operating a vacation rental unit(s). To obtain a permit the applicant shall

apply for same as stated below by filling an application with the Bay St. Louis Building Department.

1014.2 Districts where Vacation Rentals are allowed:

Vacation Rentals are allowed in the following residential, commercial and waterfront districts of the City as a right: R-1, R-1A, R-2, R-3, R-4, C-1, C-2, C-3, WF-1 & WF-2.

1014.3 The Permit Process:

a. Applications: All applications shall be submitted to the Bay St. Louis Building Department on approved forms. Applications shall contain such information as: 1) the location/address of each short-term rental, 2) the number of persons the Vacation Rental proposes to accommodate, 3) the name of the property owner, address, and phone number 4) the name of the property manager or the name, address and telephone number of the local responsible party who is available for contact, 5) proposed parking plan, 6) a copy of a typical rental agreement, 7) sales tax collection number and social security number or tax ID number, and 8) a copy of the active Home Owners Association, (HOA), regulations if applicable, 9) any other information reasonably necessary to establish the required use.

b. Public Notice: Notices of applications for VRP will be mailed via standard mail to all property owners within 300' of the each vacation rental application submitted to the building department for vacation rental within fourteen (14) business days of receipt of completed

application. The notice shall include the name and telephone number of the local contact person or the property manager that is responsible for the short term lodging unit. Property owners will have fourteen (14) days from date of notice to respond in writing to the building department staff. Response to the notice will be considered in the review process.

- c. Review Process: The Building Department shall review all application(s) and grant a permit within thirty (30) of the application unless the applicant fails to establish minimum standard(s) for use of the real property as a vacation rental. The review process shall also include any responses and complaint(s) by citizens, in response to the notice referenced above. The review(s) includes building department staff review of documentation pertaining to structure, zoning, building codes, property maintenance codes and/or other applicable laws or regulations pertaining to rental units. Filed complaints involving violations of the zoning ordinance, building codes, property maintenance codes and/or applicable laws or regulations may be a basis for denying a Vacation Rental Permit (VRP).
- d. Copies of violations and complaints shall be made available to the applicant. Vacation Rental Permit applications, which have been denied by the City's building department, may be appealed to the Bay St. Louis City Council, in writing, within thirty (30) days of the denial by the Bay St. Louis Building Department. The appeal shall consist of

the application, any objections, and copies of violations and/or complaints to Bay St. Louis Building Department and other relevant materials filed with the clerk of the City Council for Council's review and scheduling of the appeal. The applicant shall be notified not less than 14 days before the scheduled appeal before the City Council.

- e. Non-refundable application fee of fifty dollars (\$50.00) is due at the time of the submittal of an application, or the most recent established fee.
- f. Each rental units shall need an application and a VRP. Only one (1) VRP will be issued per residential unit for multiple vacation term rental properties providing: 1) all of the short term rentals are under one management company, property manager, or local contact person 2) Applications for each rental unit has been filed with the building department. Each vacation property under one Vacation Rental Permit that is acceptable to the city building department will be issued a permit to operate under the one Vacation Rental Permit.
- g. **Term of the Permit:** Each Vacation Rental Permit shall be for one (1) year and shall expire on September 30 of each year.
- h. **Renewal of Vacation Rental Permit:** Each VRP shall be allowed to renew the Permit. The renewal fee is twenty-five dollars (25.00), payable to the City Building Department. Vacation Rental Permit renewal process will include City building department staff review of City records and other documentation pertaining to complaints, if any,

that have been received about the specific vacation rental(s) unit under consideration. Filed complaints involving violations of the zoning codes, building codes, property maintenance codes and/or applicable laws or regulations may be a basis for denying a Vacation Rental Permit renewal. If the Vacation Rental Permit covers multiple vacation term rental properties, the specific property permit with the complaints may be required to be removed from the Vacation Rental Permit group of properties of the management company, property manager or local contact person and not allowed as short-term lodging rental.

- i. Approval of a business Permit for a Vacation Rental Permit does not legalize any non-permitted use or structure. Vacation Rental/Vacation Rental units are not to be used to distribute retail products or personal services to invitees for marketing or similar purposes. The outdoor display of goods and merchandise for sale is prohibited.
- j. Vacation Rental Permit are not transferrable. Upon sale, transfer and/or, ownership change of the real property which has obtained a Vacation Rental Permit of the property, the new owner or designee, shall apply for a Vacation Rental Permit in accordance with this ordinance.
- k. Any structure or unit that is deed-restricted, covenant restricted, and/or for affordable housing shall not be used as a short-term

lodging rental.

1. Vacation Rental units existing as of effective date of this ordinance will have forty five (45) days to apply for a VRP to operate as a vacation rental unit pursuant to the terms of this ordinance.
- m. A Vacation Rental Permit (VRP) may be revoked for good cause shown, and/or for any public safety and/or welfare concerns. Additionally, the VRP may be revoked upon written complaint filed with the Bay St. Louis Building Department, which will investigate the complaint, and document the violations and take the necessary action for the protection of public health, safety and welfare. Any finding of a violation, the Building Department shall issue a written notice of violation of this ordinance, stating the reasons for any violations. The Permittee shall have ten (10) days to correct, or begin correcting any violation(s). Any Vacation Rental Permit which is revoked by the building department, the permittee may appeal the revocation through the appeals process as stated in the Bay St. Louis Zoning Ordinance, pursuant to Article XIII, by filing written notice of appeal with the Bay St. Louis Building Department.

Section 1014.4: Occupancy:

The maximum occupancy for a Vacation Rental shall be 1 person per 150 foot of residential area under roof of a unit. Larger groups may be allowed for special occasions by submission and approval by the City of Bay St. Louis' Special Events process.

Section 1014.5: Parking-Number of Vehicles:

All parking for vacation rental shall be determined by the zoning classification wherein the parcel of land is located pursuant to Article VIII of the Zoning Ordinance.

The zoning classification where a parcel of land is located as a Vacation Rental shall control the number of vehicles each vacation rental units is allowed per parcel of land of said district. Trailers, for boats, water vessels, RV's and/or otherwise shall count as a vehicle for parking purposes. In no event shall the maximum number of vehicles exceed the approved parking plan pursuant to the application.

Section 1014.6: Register of Guests

Each vacation Rental Permittee and/or his designee shall keep or cause to be kept a register of guests and keep such register for a period of three (3) years.

Section 1014.7: Nuisance

It is the duty of the VRP owner and manager to maintain the vacation rental in such a condition as to prevent the unit from being a nuisance, disturbance and/or a hazard to the adjoining and/or adjacent property(s). Owners, property managers and/or local property contact person(s) shall ensure that the occupants of the Vacation Rentals do not disturb the peace and enjoyment of the surrounding neighborhood and area.

Section 1014.8: Premises and Garbage Management

It shall be the duty of every property manager and/or owner/agent to keep all Vacation Rental units in a clean and sanitary condition. Garbage disposal shall be disposed of in covered containers and placed at the scheduled pick up points near curb side of street in front of the dwelling on dates of collection only. Containers emptied by the trash collector shall be removed within 12 hours after each emptying and placed out of site from street.

Section 1014.9: Posting of Rules

Short-term lodging rental unit rules shall be posted inside the rental unit in a location

readily visible by all tenants. The rules shall include but not limited to: occupancy, parking limits, noise rules, garbage management, no wake zones, the name, address and phone number(s) of the local contact person.

Section 1014.10: Local Contact Person

All vacation Rentals shall designate a local representative or property manager who will respond to questions or concerns 24-hours a day. The local representative or property manager shall maintain records of all occupying tenants, rental agreements, owner information and management agreement. The name, address, and phone number(s) of the local contact person or property manager shall be stated on the application submitted to the Building Department. The Building department shall submit a list of all Vacation Rentals with their respective contact person or property manager and their phone numbers to the City Police Department. The City Police Department shall immediately notify the local contact person or property manager of any complaint, citation, arrest and/or any other concerns of a vacation Rental, its lodging and/or its occupants. The property manager and/or owner representative shall be considered the responsible person for violations of the Vacation Rental Provisions.

Section 1014.11: Complaints and Dispute Resolution

Complaints regarding violation of this ordinance should first be directed to the local contact person or property manager. If the local contact person or property manager is unable to resolve the issue and/or the issue relates to public safety, the contact person or the property manager will contact the City Police Department or the appropriate authority.

Section 1014.12: Prohibited Acts

- A. All uses of the property shall be in compliance with Federal, State and Local Laws and Ordinances.

- B. No outside, outdoor or yard music shall be allowed after 10:00 pm, except by a special event permit from the City.

Section 1014.13: Signs

Any sign(s) for a vacation rental shall be determined by the zoning classification wherein the parcel of land is located pursuant to Article IX of the Zoning Ordinance.

Section 1014.14: Separate Violations

For purposes of prosecution of violations of this chapter, each day that any violation occurs (rental without license) is deemed to constitute a separate violation. Any person(s), entity, company or concern that willfully violates this ordinance shall be guilty of a misdemeanor. Those found guilty of such violation shall, upon conviction, be fined for each violation not exceeding two hundred fifty dollars (\$250.00) for the first offense, not exceeding five hundred dollars (\$500.00) for the second offense within a calendar year, and not exceeding more than one thousand dollars (\$1,000.00) for other offenses within a calendar year, plus all court costs and not more than ninety (90) days in the county jail, or both.

Section 5: Constitutionality: Should any portion, provision, or section of this Ordinance be held void, unconstitutional or invalid, the remaining portion of the ordinance shall remain in full force and effect.

Section 6: Conflicts: It is hereby provided that the provisions of these regulations shall not be construed as being in conflict with the provisions of any other regulations of the City of Bay St. Louis, Mississippi. In any case when the provisions of these regulations and the provisions of other regulations both apply, the provisions of this ordinance shall govern for the purposes of short-term rentals in dwellings or condominiums.

Section 7. EFFECTIVE DATE: This ordinance shall be effective upon approval, as required by law, execution and publication.

After being reduced to writing, the foregoing Ordinance was read and considered, section by section, and then as a whole, whereupon Councilman _____ moved for its adoption, and after a second by Councilman _____, the following roll call vote was had:

Councilman Michael Favre	YEA	/	NAY
Councilman Doug Seal	YEA	/	NAY
Councilman Wendy McDonald	YEA	/	NAY
Councilman Jeffrey Reed	YEA	/	NAY
Councilman Bobby Compretta	YEA	/	NAY
Councilman Joey Boudin	YEA	/	NAY
Councilman Lonnie Falgout	YEA	/	NAY

Passed by the City Council of the City of Bay St. Louis on the _____ day of _____, 2016.

CERTIFICATION

I, Lisa Tilley, Clerk of Council for the City of Bay St. Louis, Mississippi, do hereby certify that the foregoing Ordinance No. _____ is a true and correct extract of the minutes of a public meeting of the City Council held on _____, 2016 a quorum being present, in the City Council Conference Center and recorded in Minute Book _____, minutes of said Council, said Council being the duly elected, qualified, and acting governing body of Bay St. Louis.

Presented by me to the Mayor on this, the _____ day of _____, 2016.

Lisa Tilley, Clerk of Council

Approved and signed by me on this, the _____ day of _____, 2016.

Les Fillingame, Mayor